

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARK EDWARD STRICKLEN,

Plaintiff,

v.

C. NORDTROM,

Defendant.

Case No.: 1:23-cv-00537-CDB

**ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE IN WRITING WHY THIS
ACTION SHOULD NOT BE DISMISSED
FOR A FAILURE TO OBEY COURT
ORDERS**

10-DAY DEADLINE

Plaintiff Mark Edward Stricklen is proceeding pro se and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983.

I. BACKGROUND

The Court issued its First Screening Order on May 17, 2023. (Doc. 8.) Service of process was effected on Defendant C. Nordstrom on September 6, 2023. (Doc. 12.)

On October 17, 2023, the Court issued its Order Requiring Defendant Colin Nordstrom to Show Cause Within Thirty Days Why Default Should Not Be Entered (“OSC”) for his failure to file an answer following service of process. (Doc. 13.)

On December 7, 2023, Defendant filed a timely response to the OSC and an answer to Plaintiff’s complaint. (Docs. 16 & 17.)

Thereafter, on December 8, 2023, this Court issued its Order Discharging OSC and Order Referring Case to Post-Screening ADR and Staying Case for 90 Days. (*See* Doc. 18.) As to the

latter, the parties were ordered to file “the attached notice, indicating their agreement to proceed to an early settlement conference or their belief that settlement is not achievable at this time” within 45 days of the date of the order. (*Id.* at 2.) The notice form was provided to the parties for their use. (*Id.* at 4.)

On January 23, 2024, Defendant filed his notice, indicating an early settlement conference would be productive and a willingness to engage in an early settlement conference in this matter. (Doc. 19.)

More than 45 days have passed, yet Plaintiff has failed to file a notice as ordered. Plaintiff is advised that a failure to obey court orders could result in a recommendation that this action be dismissed for his failure to obey court orders and failure to prosecute. *See* E.D. Cal. Local Rule 110 (“[f]ailure of ... a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions authorized by statute or Rule or within the inherent power of the Court”); *see also* Doc. 3 at 1 (First Informational Order In Prisoner/Civil Detainee Civil Rights Case).

II. CONCLUSION AND ORDER

Accordingly, **IT IS HEREBY ORDERED** that:

1. **Within ten (10) days** from the date of service of this order, Plaintiff **SHALL** show cause in writing why sanctions should not be imposed for his failure to file a Notice Regarding Early Settlement Conference as ordered on December 8, 2023; **or**
2. **Alternatively, within ten (10) days** of the date of service of this order, Plaintiff may file a completed Notice Regarding Early Settlement Conference form with the Court.

IT IS SO ORDERED.

Dated: **January 24, 2024**


UNITED STATES MAGISTRATE JUDGE